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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Accept Notice of Draft Amendments to Conflict of Interest Code for the Year 2008
(Government Code §87306.5)

MEETING DATE: September 17, 2008

PREPARED BY: Janice D. Magdich, Deputy City Attorney


RECOMMENDED ACTION: Accept for filing a draft Resolution Amending the list of Boards, Commissions, City Employees, and Officers subject to Conflict of Interest Reporting Requirements for publication and public comment.

BACKGROUND INFORMATION: The City Council, as the Code reviewing body under the Political Reform Act, must, pursuant to California Government Code 587306.5, review the City's Conflict of Interest Code biennially to determine whether or not an amendment to the Code is necessary. The attached Resolution makes draft changes to the Code based on conditions occurring since the last update in 2006. The attached resolution is in draft form and must be published by Council to begin the forty-five (45) day public comment period on the proposed changes. A final version will be brought back to the Council for approval on November 5, 2008.

The majority of the changes reflect little more than title changes of positions, addition of new positions or deletion of abolished positions. For Council's convenience, the changes are reflected in underline/strikeout form in the draft resolution attached to this Council Communication.

FISCAL IMPACT: None.

FUNDING: None required,



Janice D. Magdich
Deputy City Attorney

APPROVED:  _____
Blair King, City Manager

RESOLUTION NO. 2008-_____

A RESOLUTION OF THE LODI CITY COUNCIL
REPEALING RESOLUTION NO. 2006-208
THEREBY AMENDING CITY OF LODI CONFLICT
OF INTEREST CODE

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The Political Reform Act of 1974 (Government Code section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730), which contains the terms of a standard conflict of interest code. After public notice and a hearing it may be amended by the Fair Political Practices Commission to conform to amendments to the Political Reform Act. Therefore, the terms of 2 California Code of Regulations 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached appendices designating officials and employees and establishing disclosure categories shall constitute the conflict of interest code of the City of Lodi.

Designated officials and employees shall file their statements with the City Clerk of the City of Lodi and such statements shall be open for public inspection and reproduction pursuant to Government Code section 81008. Statements for all designated officials and employees will be retained by the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Resolution No. 2006-208 is hereby repealed in its entirety.
2. The terms of 2 California Code of Regulations Section 18730 and any amendments duly adopted by the Fair Political Practices Commission along with the attached Appendices in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the City of Lodi.
3. Persons holding designated positions shall file statements of economic interest pursuant to the provisions of this code.
4. All designated officials and employees shall file their statements of economic interests with the City Clerk of the City of Lodi to whom the City Council hereby delegates the authority to carry out the duties of filing officer.
5. Failure to file the required statement in a timely fashion may result in the imposition of administrative, criminal, and civil sanctions as provided in Government Code sections 81000-91014.
6. The effective date of this Resolution shall be November 5, 2008.

Dated: November 5, 2008

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I hereby certify that Resolution No. 2008-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 5, 2008, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

Randi Johl
City Clerk

2008-____

APPENDIX A
DESIGNATED OFFICIALS AND EMPLOYEES

The following is a listing of those persons who are required to submit Statements of Economic Interests pursuant to the Political Reform Act of 1974, as amended:

List of designated positions required to file Form 700:

<u>Department:</u>	<u>Position:</u>	<u>Disclosure Category:</u>
City Manager	City Manager	*
	Deputy City Manager/ Internal Services Manager	1
	Management Analyst	1
City Attorney	City Attorney	*
	Deputy City Attorney	1
City Clerk	City Clerk	1
	Deputy City Clerk	1
Community Center	Community Center Director	1
	Senior Services Coordinator	2,3,4,10,11,16
	Arts Coordinator	2,3,4,10,11,16
	Youth Commission Coordinator	2,3,4, 6, 7,10,11,16,17
	Sr. Facil. Maint. Worker	2,3,4, 6, 7,10,11,16,17
	Stage Technician	2,3,4, 6, 7,10,11,16,17
	Administrative Secretary	2,3,4, 6, 7,10,11,16,17
Community Development	Community Development Director	1
	City Planner Planning Manager	1
	Senior Planner	1
	Junior\Assistant\Associate Planner	1
	Community Improvement Manager	1
	Building Official	1
	Building Inspector MA Senior	2,3,4,5,6,7,8,9,10,11,15,16
	Community Improvement Officer	2,3,4,5,6,7,8,9,10,11,15,16
	Linhart Peterson Powers Associates	2,3,4,5,6,7,8,9,10,11,15,16

Electric Utility	Electric Utility Director Assistant Electric Utility Director Utility Operations Supervisor Senior Electric Utility Rate Analyst Manager, Customer Services & Programs Manager, Electric Services Manager, Business Planning & Marketing Manager, Engineering & Operations Electric Utility Superintendent Technical Services Manager Manager, Rates & Resources Manager, Power & Rates Senior Electrical Estimator- Distribution Planning Supervisor Senior Power Engineer Electric Utility Rate Analyst	1 1 4, 6 1 1 4 4 4 2,3,4,6,7,8,9,10,15,16 2,3,4,6,7,8,9,10,15,16 4 4 4,6 2,3,4,6,7,8,9,10,15, 2,3,4,6,7,8,9,10,15
Fire	Fire Chief Fire Division Chief \ Operations Fire Battalion Chief \ Training Fire Battalion Chief Fire Division Chief \ Fire Marshall Fire Inspector	1 1 4,10,11,12,19 4,10,11,12,19 1 1
Internal Services /Human Resources	Human Resources Manager Risk Manager Management Analyst Trainee I/II	1 2,4,14,17,18 2,4,14,17,18
Finance-Internal Services/Financial Services & Budget	Financial Services Manager Accountant III Senior Accountant Budget Manager Management Analyst Purchasing Officer Senior Storekeeper Buyer Purchasing Technician	2,3,4,5,13,18,20 2,3,4,5,15 2,3,4,5,15 2,3,4,5,13,18,20 2,4,14,17,18 2,3,4,5,6,10,11,12,15,16, 49 2,3,4,5,10,12,16 2,3,4,5,10,12,16 4,5,15,16
Internal Services/Information Systems	Information Systems Manager Information Systems Analyst Information Systems Coordinator Network Administrator	1 2,3,4,5,8,10,11,15,16 2,3,4,5,8,10,11,15,16 15,16
Library	Library Services Director Supervising Librarian	1 4,5,11,15

Parks and Recreation	Parks and Recreation Director Parks Superintendent Project Coordinator Management Analyst	1 1 2,3,4,6,7,8,10,16 4,5,10,11,15
Police	Police Chief Police Captains Management Analyst Community Improvement Officer Supervising Community Improvement Officer	1 1 4,5,12 2,3,4,5,6,7,8,9,10,11,15,16 2,3,4,5,6,7,8,9,10,11,15,16
Public Works	Public Works Director City Engineer/ Deputy Public Works Dir. Senior Civil Engineer Fleet & Facilities Manager Street Superintendent Streets and Drainage Manager Assistant Street Superintendent Streets and Drainage Manager Water Services Manager Water/Wastewater Superintendent Assistant Water/Wastewater Superintendent Transportation Manager Transportation Planner Fleet Services Supervisor Tree Operations Supervisor/ Arborist Management Analyst Senior Traffic Engineer Construction Project Manager	1 1 2,3,4,6,7,8,9,10,15,16 2,3,4,6,8,9,10,15,16 2,3,4,6,7,8,9,10,15,16 2,3,4,6,7,8,9,10,15,16 2,3,4,5,6,7,8,9,10,11,15,16 2,3,4,5,7,8,9,10,15,16 2,3,4,6,7,8,9,10,15,16 2,3,4,10,11,15,16 2,3,4,10,11,15,16 2,4,9, 11,16 2,4,6,7,8,9, 11,16 2,3,4,6,7,8,9,10,15,16 2,3,4,6,7,8,9,10,15,16 2,3,6,7,8,9,10,16

Boards and Commissions	Members of the Planning Commission	*
	Members of the Recreation Commission	2,3,4,6,7,8,9,10,16
	Members of the Site Plan and Architectural Review Committee	2,3,4,6,7,8,9,10,16
	Members of the Library Board of Trustees	2,3,4,6,7,8,9,10,16
	Members of the Lodi Eastside Improvement Committee	2,3,4,6,7,8,9,10,16
	Members of the Lodi Arts Commission	2,3,4,5,7,8,9,10,16
	Members of the Lodi Budget/Finance Committee	2,3,4,5,7,8,9,10,16
	Members of the Lodi Animal Advisory Committee	2,3,4,5,7,8,9,10,16
Consultants	Members of the Lodi Senior Citizens Commission	2,3,4,5,7,8,9,10,16
	Community Development	1
	CDBG Program Administration(Contract Consultant – PMC)	2,3,4,5,6,7,8,9,10,11,15,16
	Interwest Consulting Group (Contract Plan Check Services)	2,3,4,5,6,7,8,9,10,11,15,16
	Bureau Veritas (Contract Plan Check Services)	2,3,4,5,6,7,8,9,10,11,15,16
	NAFFA International (Contract Plan Check Services)	2,3,4,5,6,7,8,9,10,11,15,16
	Precision Inspection Company, Inc. (Contract Plan Check Services)	2,3,4,5,6,7,8,9,10,11,15,16
	Rad Bartlam	1
	Dyett & Bhatia	1
	Internal Services/Human Resources	ABD Insurance & Financial Services Bragg & Associates DB Claims Services Group, Inc.
Public Works		2,4,5,11,13,14,18,19 2,4,5,11,13,14,17,18,19 2,4,5,10,11,13,14,16,18,18
	West Yost & Associates Treadwell & Rollo	1 1

* Exempted from Political Reform Act of 1974, but required to file a statement of economic interests pursuant to Government Code section 87200.

Designated Employees are those positions within the city who may exercise independent judgment and make or participate in the making of governmental decisions which may foreseeably have a material effect on any financial interest.

Consultant means an individual who, pursuant to a contract with a state or local governmental agency:

A. Makes governmental decisions whether to

1. approve a rate, rule or regulation;
2. adopt or enforce a law;
3. issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
4. authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
5. grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
6. grant agency approval to a plan, design, report, study or similar item;
7. adopt, or grant agency approval of policies, standards, or guidelines for the agency, or for any subdivision thereof; or

B. Serves in a staff capacity with the agency and in that capacity performs the same or substantially the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agencies Conflict of Interest Code.

The City Manager or his designee may determine in writing that a particular consultant, although a "designated position" is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon the description, a statement of the extent of the disclosure requirements. The City Manager or his designee's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Public Officials Specified in Government Code Section 87200: The following positions shall file a statement of economic interests pursuant to Government Code Section 87200:

1. Members of the Lodi City Council
2. City Manager
3. City Attorney
4. Finance Director
5. Members of the Lodi Planning Commission

APPENDIX B

APPENDIX OF DISCLOSURE CATEGORIES

DEFINITION

'Unit' as used in this text means the particular department, board, commission, office or other entity using the disclosure category.

DISCLOSURE CATEGORIES

1. All investments and business positions in business entities, sources of income and interests in real property.
2. Investments and business positions in business entities, and all sources of income.
3. Interests in real property.
4. Investments and business positions in business entities and sources of income from entities providing supplies, services, equipment or machinery of the type used by the designated employee's unit.
5. Investments and business positions in and income from entities which are book outlets, vendors or providers of business services.
6. Investments and business positions in business entities and income from sources engaged in construction, building, or material supply.
7. Investment and business positions in and income from sources engaged in construction or development.
8. Investment and business positions in and income from sources engaged in the construction of public works projects.
9. Investment and business positions in and income from construction firms involved in construction projects subject to acceptance by the City Council.
10. Investment and business positions in and income from business entities of the type to provide bids, supplies, vehicles and equipment.
11. Investment and business positions in and income from entities which provide training, services or facilities of the type utilized by the city.
12. Investments and business positions in business entities and sources of income which provide services and supplies of the type used in emergency services coordination and training activities.
13. Investments and business positions in and income from Union Pension funds that may be affected by the outcome of negotiations involving monetary settlements of employer-employee memorandums.
14. Investments and business positions in business entities and sources of income which provide medical services or facilities of the type used by the city.

15. Investments and business positions in and income from business entities supplying or manufacturing electronic equipment, supplies or services of the type utilized by the employee's unit.
16. Investments and business positions in and income from business entities providing supplies, services, equipment or machinery of the type used by the city.
17. Investments and business positions in and income from employment agencies or entities which provide employment or pre-employment services. Services include, but are not limited to, testing, training, consulting, recruiting, job classification studies and salary surveys.
18. Investments and business positions in and income from business entities which are of the type to provide any of the various types of employee insurance coverage and/or actuarial services.
19. Investments and business positions in business entities and income from sources which supply or manufacture firefighting or medical equipment or supplies.
20. All investments and business positions in business entities, sources of income, and interests in real property of the type which municipalities are permitted to invest under the California Government Code.

Jennifer Perrin

From: Jennifer Perrin
Sent: Thursday, September 18,2008 11:11 AM
To: Department Secretaries; James Rodems; Janet L. Hamilton; Joseph Wood; Kirk Evans; Nancy Martinez; Ann Areida-Hintz; Deanie Bridewell
Cc: Janice Magdich; Randi Johl
Subject: 2008 Conflict of Interest Code

Attached please find **Notice of Intention** that the City of Lodi proposes to amend its Conflict of Interest Code to include positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest. Specifically, the proposed amendments will add positions that are newly created by the agency, delete positions that are no longer used by the agency, and amend position titles. The City Council will consider the amendments at its meeting of November 5,2008.

Please forward this message to the designated filers in your department (refer to the attachment for a list of designated positions). Designated filers may include employees, board or commission members, and/or contractors. The 45-day written comment period will be conducted through November 3,2008; comments should be sent to the City Clerk's Office.

Thank you for your cooperation.

Jennifer M. Perrin, CMC
Assistant City Clerk
City of Lodi
P.O. Box 3006
Lodi, CA 95241
(209)333-6702 x2601



DECLARATION OF POSTING

NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE OF THE CITY OF LODI

On Friday, September **19**, 2008, in the City of Lodi, San Joaquin County, California, a Notice of Intention to Amend the Conflict of Interest Code of the City of Lodi (attached and marked as Exhibit A), was posted at the following locations:

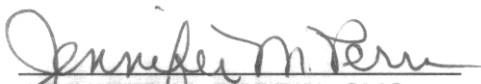
Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September **19**, 2008, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

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	Arts Coordinator	2,3,4,10,11,16
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	Administrative Secretary	3,4, 6, 7,10,11,16,17
Community Development	Community Development Director	1
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	Senior Planner	1
	Junior Assistant/Associate Planner	1
	Community Improvement Manager	1
	Building Official	1
	Building Inspector/MSenior	2,3,4,5,6,7,8,9,10,11,15,16
	Community Improvement Officer	2,3,4,5,6,7,8,9,10,11,15,16
	Linhart Petersen Powers Associates	2,3,4,5,6,7,8,9,10,11,15,16

Electric Utility	Electric Utility Director Assistant Electric Utility Director Utility Operations Supervisor Senior Electric Utility Rate Analyst Manager, Customer Services & Programs Manager, Electric Services Manager, Business Planning & Marketing Manager, Engineering & Operations Electric Utility Superintendent Technical Services Manager Manager, Rates & Resources Manager, Power & Rates Senior Electrical Estimator Distribution Planning Supervisor Senior Power Engineer Electric Utility Rate Analyst	1 4, 6 1 1 4 4 4 2,3,4,6,7,8,9,10,15,16 2,3,4,6,7,8,9,10,15,16 4 4 4,6 2,3,4,6,7,8,9,10,15, 2,3,4,6,7,8,9,10,15
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Boards and Commissions	Members of the Planning Commission	
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	Members of the Library Board of Trustees	2,3,4,6,7,8,9,10,16
	Members of the Lodi Eastside Improvement Committee	2,3,4,6,7,8,9,10,16
	Members of the Lodi Arts Commission	2,3,4,5,7,8,9,10,16
	Members of the Lodi Budget/Finance Committee	2,3,4,5,7,8,9,10,16
	Members of the Lodi Animal Advisory Committee	2,3,4,5,7,8,9,10,16
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	Bragg & Associates	2,4,5,11,13,14,17,18,19
	DB Claims Services Group, Inc.	2,4,5,10,11,13,14,16,18,18
Public Works	West Yost & Associates	1
	Treadwell & Rollo	1

- Exempted from Political Reform Act of 1974, but required to **file** a statement of economic interests pursuant to Government Code section 87200,

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1. approve a rate, rule or regulation;
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3. issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
4. authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
5. grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
6. grant agency approval to a plan, design, report, study or similar item;
7. adopt, or grant agency approval of policies, standards, or guidelines for the agency, or for any subdivision thereof; or

B. Serves in a staff capacity with the agency and in that capacity performs the same or substantially the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agencies Conflict of Interest Code.

The City Manager or his designee may determine in writing that a particular consultant, although a "designated position" is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon the description, a statement of the extent of the disclosure requirements. The City Manager or his designee's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

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APPENDIX B

APPENDIX OF DISCLOSURE CATEGORIES

DEFINITION

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DISCLOSURE CATEGORIES

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5. Investments and business positions in and income from entities which are book outlets, vendors or providers of business services.
6. Investments and business positions in business entities and income from sources engaged in construction, building, or material supply.
7. Investment and business positions in and income from sources engaged in construction or development.
8. Investment and business positions in and income from sources engaged in the construction of public works projects.
9. Investment and business positions in and income from construction firms involved in construction projects subject to acceptance by the City Council.
10. Investment and business positions in and income from business entities of the type to provide bids, supplies, vehicles and equipment.
11. Investment and business positions in and income from entities which provide training, services or facilities of the type utilized by the city.
12. Investments and business positions in business entities and sources of income which provide services and supplies of the type used in emergency services coordination and training activities.
13. Investments and business positions in and income from Union Pension funds that may be affected by the outcome of negotiations involving monetary settlements of employer-employee memorandums.
14. Investments and business positions in business entities and sources of income which provide medical services or facilities of the type used by the city.

15. Investments and business positions in and income from business entities supplying or manufacturing electronic equipment, supplies or services of the type utilized by the employee's unit.
16. Investments and business positions in and income from business entities providing supplies, services, equipment or machinery of the type used by the city.
17. Investments and business positions in and income from employment agencies or entities which provide employment or pre-employment services. Services include, but are not limited to, testing, training, consulting, recruiting, job classification studies and salary surveys.
18. Investments and business positions in and income from business entities which are of the type to provide any of the various types of employee insurance coverage and/or actuarial services.
19. Investments and business positions in business entities and income from sources which supply or manufacture firefighting or medical equipment or supplies.
20. All investments and business positions in business entities, sources of income, and interests in real property of the type which municipalities are permitted to invest under the California Government Code.



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE
OF THE CITY OF LODI

PUBLISH DATE: SATURDAY, SEPTEMBER 20, 2008

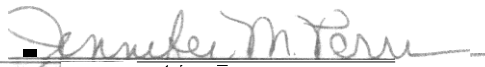
LEGAL AD

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO: RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, SEPTEMBER 18, 2008

ORDERED BY: RANDI JOHL
CITY CLERK


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

MARIA BECERRA
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NOTICE OF INTENTION
TO AMEND THE CONFLICT OF INTEREST CODE
OF THE CITY OF LODI

NOTICE IS HEREBY GIVEN that the City of Lodi, pursuant to the authority vested in it by Section 87306 of the California Government Code, proposes amendments to its Conflict of Interest Code. The purpose of these amendments is to implement the requirements of Section 87300 through 87302 and Section 87306 of the Government Code.

The City of Lodi proposes to amend its Conflict of Interest Code to include positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of the Section 87302 of the Government Code. Specifically, the proposed amendments will add positions that are newly created by the agency and delete positions that are no longer used by the agency.

Copies of the proposed amended Conflict of Interest Code are available for public review and may be requested from the Lodi City Clerk's Office (209) 333-6702. A 45-day written comment period will be conducted through November 3, 2008. Comments must be received by the City Clerk of the City of Lodi on or before November 3, 2008, at 5:00 p.m. and may be delivered to the City Clerk at City Hall, 221 W. Pine Street, Lodi, California, 95240 or mailed to the City Clerk at P.O. Box 3006, Lodi, CA 95241.

The Lodi City Council will consider the adoption of a resolution approving Year 2008 Amendments to the Conflict of Interest Code at its regularly scheduled meeting on November 5, 2008, at 7:00 p.m., or as soon thereafter as the matter may be heard, at the Carnegie Forum, 305 West Pine Street, Lodi.

Dated: September 18, 2008

RANDI JOHL
CITY CLERK